

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT
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FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

2006 OCT 12 P 12:2
No. 06-14297-C
DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

OCT 11 2006

THOMAS K. KAHN
CLERK

JACKIE LAMAR JOHNSON,

Petitioner-Appellant,

versus

KENNETH JONES, Warden,
TROY KING, The Attorney General
of the State of Alabama,

Respondents-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of the underlying claim, and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because appellant has failed to make the requisite showing, the motion for a certificate of appealability is DENIED.

Appellant's motion to proceed in forma pauperis is DENIED AS MOOT.

A True Copy - Attested: /s/ Ed Carnes
Clerk, U.S. Court of Appeals, UNITED STATES CIRCUIT JUDGE
Eleventh Circuit
By: Angela Mutchler
Deputy Clerk
Atlanta, Georgia OCT 11 2006